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CONTEMPORARY FORMS OF SLAVERY

Report of the Working Group on Contemporary Forms of Slavery on its twenty-second session

Chairperson-Rapporteur: Mrs. Halima Embarek Warzazi

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Introduction

1. Upon the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Economic and Social Council, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member working group to review developments in the field of slavery, the slave trade and the slavery-like practices, of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as defined in the Slavery Convention of 1926, the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Working Group was established in 1975 and has met regularly before each session of the Sub-Commission. In its resolution 1988/42 of 8 March 1988, the Commission on Human Rights endorsed the Sub-Commission's recommendation that the name of the Working Group should be changed to "Working Group on Contemporary Forms of Slavery".

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

2. The Working Group held its twenty-second session from 2 to 11 June 1997. It held 12 meetings. The session was opened by Mr. Ralph Zacklin, Officer-in-Charge, High Commissioner/Centre for Human Rights, who made a statement in which he described the positive results of the Working Group's activities in the past 22 years. He commended the Working Group on its dynamism and, in particular, on the fruitful dialogue established between States and the Working Group on the question of the ratification of the conventions relating to slavery and on other questions. He stressed that the flexibility of the Working Group's methods of work had enabled it to take account of all developments in contemporary forms of slavery.

3. In accordance with Sub-Commission decision 1996/111, the composition of the Working Group was as follows: Mr. M. Bossuyt, Mr. O. El Hajjé, Mr. J. A. Lindgren Alves, Mr. I. Maxim and Mrs. H.E. Warzazi. Mr. Lindgren Alves, who was unable to attend the session, was replaced by Mrs. M. Ferriol Echevarría.

4. A list of the documents which the Working Group had before it at its twenty-second session appears in annex II.

B. Election of the Chairperson-Rapporteur

5. At the first meeting, held on 2 June 1997, the Working Group elected Mrs. H.E. Warzazi Chairperson-Rapporteur by acclamation. The Chairperson of the Working Group made a statement on the increasing attention that the international community was paying to the sexual exploitation of children and to sex tourism. In that connection, she welcomed the fact that many countries had enacted laws enabling them to prosecute their nationals for acts committed abroad when such acts had been committed against children. She also commended the initiative by the World Tourism Organization to organize a meeting to study ways of combating sexual tourism and the action taken by tourism

professionals to combat sexual tourism. She said that AIDS, the economic exploitation of children, poverty and children involved in armed conflict were matters of enormous concern.

C. Participation

6. The following Member States of the United Nations were represented at the Working Group's meetings by observers: Australia, Belgium, Brazil, Canada, China, Costa Rica, Cuba, Democratic People's Republic of Korea, Dominican Republic, Finland, India, Iran (Islamic Republic of), Japan, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Slovakia.

7. The following non-member State of the United Nations was also represented by an observer: Holy See.

8. The following United Nations organizations were represented by observers: Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery and United Nations Children's Fund (UNICEF).

9. The following specialized agency was represented by observers: International Labour Organization and its International Programme on the Elimination of Child Labour (IPEC).

10. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: International Alliance of Women - Equal Rights, Equal Responsibilities; Asian Women's Human Rights Council; African Bureau of Educational Sciences; Coalition against Trafficking in Women; Baha'i International Community; International Council of Women; Defence for Children International; World Federation of Methodist Women; International Federation Terre des Hommes; Foundation of Japanese Honorary Debts; War Resisters' International; Liberation; International Movement against All Forms of Discrimination and Racism; International Fellowship of Reconciliation; International Service for Human Rights; Anti-Slavery Society.

11. The following other organizations which supply information to the Working Group with its consent were represented by observers: Action for Children Campaign; Asian Women's Fund; World Association for Orphans and Abandoned Children - African Regional Office; Cambodian Centre for the Protection of Children's Rights; Constitutional Rights Projects; Espacio Afroamericano; Houseworkers' Movement; Islander Civil Movement; Mongolian Centre against Violence; Mongolian Women Lawyers' Association; Save the Children Fund (United Kingdom); Tambov Human Rights Group.

II. ADOPTION OF THE AGENDA

12. At the first meeting, on the proposal of one of its members, the Working Group discussed the inclusion in its agenda of three new items on cloning and related scientific excesses; violations of rights and abuses to which followers of certain sects are subjected; and social advancement.

13. The members of the Working Group said that they were in favour of considering the question of violations and abuses committed in the context of some sects, but they were rather reserved about cloning and social advancement, and took the view that those two topics did not belong in the Working Group's agenda at the current stage of its work. Consequently, a new item entitled "Illegal practices of certain religious and other sects" was included in the agenda.

14. The Working Group adopted its agenda on the basis of the provisional agenda (E/CN.4/Sub.2/AC.2/1997/1).

III. REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

A. Status of the conventions

15. In connection with the consideration of agenda item 3 (a), the Working Group had before it reports on the status of the conventions on slavery (E/CN.4/Sub.2/AC.2/1997/2 and E/CN.4/Sub.2/AC.2/1997/3). As had been the case each year since 1991, the Working Group also had at its disposal a list of the countries which had not ratified the conventions.

16. The Working Group, being still concerned at the slightness of the increase in the number of States which had ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949 Convention), paid particular attention to the countries which had not yet ratified the Convention. In accordance with a practice established at its nineteenth session, the Working Group asked the Secretariat to approach certain States which had not yet ratified the Convention and invite their representatives to meet with the members of the Working Group for an informal exchange of views.

17. On completing its work, the Working Group thanked the Government representatives who had responded to its invitation and recalled how useful direct talks with the members of the Working Group were. Other countries were also encouraged to respond favourably to the invitation of the Working Group, whose aim was not inquisitional, but simply one of cooperation and information.

B. Review of information received regarding the implementation of the conventions and programmes of action

18. The members of the Working Group noted that the non-ratification of the conventions on slavery by some States was primarily the result of lack of knowledge and understanding of contemporary forms of slavery and of the conventions themselves. In that connection, it was recalled that the Anti-Slavery Society had submitted a note to the Working Group at its twenty-first session which had been based on the 1956 Convention and related to various slavery-like practices that required urgent action by Governments.

19. Some participants encouraged the preparation of such notes on slavery and, in particular, on the 1949 Convention in order to encourage its ratification. It was also recalled that, at the Working Group's twentieth session, Mrs. Palley had stated that allowing minor reservations as well as declarations of interpretation of controversial provisions of any convention could be an incentive for ratification by more States.

20. The ratification of the conventions on slavery by all States, even those which did not regard themselves as being concerned, was crucial because ratification helped to heightened public awareness and prevent such practices. By ratifying those conventions, States were taking part in international action against contemporary forms of slavery.

21. During the consideration of the implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, it was recalled that the International Federation of Human Rights had proposed the establishment of machinery for the follow-up and implementation of that Convention.

22. While some members of the Working Group stressed that such a proposal gave rise to problems because the 1949 Convention did not provide for any monitoring machinery, other members, supported by many participants, proposed the drafting of an optional protocol to the 1949 Convention which would unambiguously penalize the persons responsible for trafficking, protect the victims and request States parties to submit reports on the implementation of the Convention. The optional protocol might also allow the submission of individual complaints, with particular reference to the traffic in women and girls. The majority of the members nevertheless agreed that the human rights treaty monitoring committees could, in accordance with their mandates, consider the implementation of the provisions of the 1949 Convention which were similar to those of the conventions for which they were responsible. To that end, the Secretary-General might consider the feasibility of such a proposal and provide the Working Group with information on the general criteria of the international human rights instruments.

23. Following the discussion on the involvement of the various human rights committees in the consideration of the provisions of the 1949 Convention, the Working Group invited the Committee on the Rights of the Child to take part in its work. Mrs. Judith Karp, a member of the Committee on the Rights of the Child, was able to take part in one of the Working Group's meetings. She stressed the fact that the majority of the victims of contemporary forms of slavery were children and drew attention to the importance of cooperation between the Working Group and the Committee. Her participation in a meeting of the Working Group had given her a clearer idea of the Working Group's activities and had drawn her attention to the 1949 Convention. Since one of the tasks of the Committee on the Rights of the Child was to encourage States to ratify the various international instruments, the Committee might attach particular importance to the 1949 Convention. She suggested that the organizations which provided the Working Group with information and those which provided the Committee on the Rights of the Child with information should meet to exchange information that might be useful to the Working Group and to the Committee.

24. The members of the Working Group thanked Mrs. Karp for her availability and stressed the need for the two bodies to work together in close cooperation and to exchange all relevant information.

25. In connection with the consideration of the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the Working Group had before it the report by the Secretary-General to the Sub-Commission (E/CN.4/Sub.2/1997/11).

26. Some participants considered that child prostitution should be regarded not as prostitution, but as one of the manifestations of the exploitation of children. According to the Special Rapporteur on the question of violence against women, moreover, pornography was the symptom and the cause of violence against women and, all the more so, of violence against children.

27. Mention was also made of the problem of the use of telecommunications, particularly the Internet, to promote child pornography. The members of the Working Group said that they were concerned about that matter; access by children to adult pornography could also encourage such practices. A non-governmental organization informed the members of the Working Group about the development of new technology that made it possible to detect any image suspected of being pornographic and to identify the person using the computer at the time when the image had been called up.

IV. UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

28. In the context of the consideration of the situation of the Voluntary Trust Fund on Contemporary Forms of Slavery, the Working Group had before it document E/CN.4/Sub.2/AC.2/1997/4 containing the recommendations that the Board of Trustees of the Voluntary Trust Fund had made to the Secretary-General.

29. The members of the Working Group drew attention to the initiatives they had taken at their twenty-first session in order to find a solution to the problems faced by the Voluntary Trust Fund (E/CN.4/Sub.2/1996/24, paras. 22-34). The members of the Working Group welcomed the appointment of the Board of Trustees of the Fund by the Secretary-General and the holding of the third session of the Board of Trustees, which had recommended the participation of a number of non-governmental organizations and the modest financing of three projects.

30. The observer for the Board of Trustees of the Voluntary Trust Fund recalled that, despite financial and other difficulties, the Board of Trustees had been able to meet from 17 to 19 March 1997 and had decided to allocate all of the small amount at its disposal to various non-governmental organizations. The members of the Board of Trustees unanimously agreed on the need to subsidize non-governmental organizations which were active at the local level. The members of the Board of Trustees had, moreover, both jointly and individually intensified their efforts to find potential donors to contribute financially to the Voluntary Trust Fund. She stressed the need for cooperation between the Working Group and the Board of Trustees, as well as the importance of the participation of one or more members of the Board of

Trustees in the work of the Group. In that connection, a letter of invitation should be sent to the members of the Board in order to facilitate the visa formalities for members who would like to attend at their own expense. The problem of obtaining visas from the Swiss authorities, even when the request came from the United Nations, was raised on several occasions.

31. The observer for the Board of Trustees expressed the hope that the Working Group would draw the attention of the members of the Board to priority topics, or even to certain countries, so that they might take them into account in considering requests for subsidies. The fact of having a clear-cut and pre-defined plan of action could also be an asset in fund-raising and making potential donors aware of certain problems. It was recalled that the recommendations of the Board of Trustees that grants should be allocated to particular organizations were made on an entirely discretionary basis and that Governments were in no way involved in that choice.

32. In cooperation with the observers for the Anti-Slavery Society and Action for Children Campaign, the Working Group decided that the question of migrant workers, particularly female domestic workers, would be a priority topic at its next session. The regions to be considered as a matter of priority would be West and East Africa, Southern Asia, particularly Bangladesh, and South-East Asia, particularly the Philippines.

33. The Secretary of the Board of Trustees of the Voluntary Trust Fund stated that, as part of their fund-raising efforts, the members of the Board of Trustees had established contacts during the session of the Commission on Human Rights and had held an information meeting with potential donors. Some members of the United Kingdom Parliament were even in favour of the financing of the Fund. As part of efforts to increase public awareness, the Chairman of the Board of Trustees had taken the floor at the fifty-third session of the Commission on Human Rights to announce that $100,000 would enable the Fund to operate on a minimum basis.

34. The Secretary of the Board of Trustees also informed the Working Group of the participation in its work of five persons who represented six non-governmental organizations financed by the Fund. Those persons represented organizations in Nigeria, India, the Russian Federation, Cambodia and Mongolia.

35. Some participants drew the attention of the Working Group to the apparent contradiction that States which refused to finance the United Nations Voluntary Trust Fund earmarked large amounts for the International Programme on the Elimination of Child Labour set up by the International Labour Organization, despite the similarity of issues with which those two mechanisms dealt. As part of cooperation between the United Nations Voluntary Trust Fund and the ILO Programme, the latter might encourage private donors who proposed to finance it to contribute to the United Nations Fund, since the ILO Programme could not accept such private contributions.

36. The members of the Working Group recalled that, under the ILO Programme and contrary to the procedures of the United Nations Fund, programmes could not be set up without the consent of the States concerned. Moreover, donations to the ILO Programme came from the Ministries of Labour of donor

States, whereas contributions to the United Nations Voluntary Trust Fund came from Ministries of Foreign Affairs, which had to finance many more projects. Those elements might partly explain the contradiction that had been referred to.

V. REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY

A. Suppression of the traffic in persons and of the exploitation of the prostitution of others

37. Several participants spoke on the grave issue of the trade in women and young girls for the purposes of prostitution. The need was affirmed to protect the rights of those persons, to rehabilitate them and to return them to their country of origin only if they so wished. It was crucial for victims of trafficking and prostitution to be treated as victims and not as delinquents. It was essential in that respect to train civil servants dealing with such victims and to educate civil society. Studies conducted in Asia by a non-governmental organization had revealed that Governments appeared to be unaware of the situation of survivors of trafficking or of effective measures needed to combat it. There were said to be many women who had survived trafficking and who could not be repatriated because they were unable to establish their nationality. Within the framework of European Union activities, some participants submitted to the Working Group the European "Joint Action" to combat trade in human beings and sexual exploitation. That initiative had made it possible to set up interdisciplinary coordination among the different countries aimed at dealing with those problems and to arrive at a more precise definition of the notion of abuse of authority.

38. The attention of the Working Group was drawn to the increase in sex tourism. The fear of being infected with HIV was leading clients from industrialized countries to choose ever younger girls and boys as their victims. Some countries had taken steps to counteract this practice, especially Thailand, which, in 1996, had revised its law on prostitution. In that connection the members of the Working Group urged States to amend their laws to include the rule of extraterritoriality.

39. With the support of colleagues and of all participants, a member of the Working Group expressed deep concern over the corruption that was undermining all sectors of society and which was leading to the promotion and perpetuation of contemporary forms of slavery. The Working Group decided to include the effects of corruption as a factor conducive to exploitation among future topics for consideration.

40. The members of the Working Group again supported the idea of observing 2 December of each year as World Day for the Abolition of Slavery in all its Forms.

B. Illegal and pseudo-legal adoptions aimed at the exploitation of children

41. The members of the Working Group stated that they approved of the adoption of children, provided that it was in accordance with the basic principle of the child's best interests and that it was legal.

42. Some participants insisted that only illegal adoptions should be considered by the Working Group, since legal adoptions were by definition within the law. Some members of the Working Group suggested that identifying the reasons why some countries more than others were targeted by adoptive parents, would be helpful for preventing illegal adoptions. With regard to intercountry adoptions, most participants agreed that foreign parents should not systematically be viewed with suspicion, bearing in mind that in most cases adoption was in the interest of the child.

43. The members of the Working Group, who were in favour of a balanced and sensible approach and of combating "wild" and illegal adoptions, recalled that the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption was an international instrument, the ratification of which should be encouraged as a means of preventing and combating abusive adoptions, especially at the international level. The Working Group's recommendations should reflect a desirable balance between protecting the interests of the child and of sincere parents, and the struggle against any attempted trafficking.

C. Traffic in human organs and tissues

44. Participants again mentioned the difficulty of obtaining irrefutable proof of such traffic. The Working Group had before it the note by the Secretary-General concerning the traffic in organs, submitted to the fifty-third session of the Commission on Human Rights (E/CN.4/1997/78).

45. The members of the Working Group and participants agreed that the Working Group should continue to be vigilant. Two press cuttings were brought to the attention of the Working Group in that connection. The first reported that the Israeli Government had prohibited the transplantation of organs from living donors in order to avoid abuses. The second had to do with the introduction of a computer program on the Internet that would facilitate adoption formalities in Rio de Janeiro and which, according to the President of the Rio de Janeiro Tribunal, would help stem the traffic of children and of organs. The observer for Brazil stated that his Government denied the existence of any traffic in organs involving his country. An inquiry had failed to substantiate any of the allegations made in that regard. Adoption formalities in Brazil were designed to safeguard the child and promote the principle of the best interests of the child.

D. Bonded labour and child labour

46. As it did each year, the Working Group examined agenda items 5 (d) and 5 (e) together, because their subject matter was closely related. Many Governments and non-governmental organizations had submitted information considered very useful by the members of the Working Group.

47. Most of the observers for the non-governmental organizations participating in the session recognized that the countries that had to deal with the problem of child and bonded labour had passed constructive legislation to counteract those practices. Nevertheless, those laws were not being applied effectively, if at all. Moreover, the Governments were trying to conceal their lack of political will behind the pretext of poverty and the shortage of funding. The observers believed that poverty could not be used to justify everything, though they all agreed that it was one of the causes of exploitation, especially since the bad distribution of wealth throughout the world and within individual societies was an inescapable fact.

48. The observers for the non-governmental organizations said that in order to eliminate child and bonded labour, it would not be enough merely to turn the children concerned out on the streets; they should be given the possibility of receiving proper, full-time education. There was no doubt that child labour fuelled adult illiteracy and led eventually to the perpetuation of that kind of labour. Countries grappling with a serious problem of child labour were thus caught in a vicious circle of illiteracy, of child labour involving ever younger children, and of poverty. They all remained convinced that the solution for children was education and schooling.

49. Some non-governmental organizations reported on bonded labour in Nepal, India, Pakistan and other Asian countries. A study conducted in some countries in Asia and Latin America, such as the Philippines, India, Nepal, Indonesia, Peru, Paraguay and Bolivia, reported that the indigenous populations in those countries were the victims of slavery-like practices, ranging from the sexual exploitation of women and children to bonded labour and even bondage.

50. The observers for India and Pakistan each gave detailed reports on legislative and other measures that their countries had adopted and implemented to combat the scourge of bonded and child labour. The members of the Working Group then called upon countries facing similar problems to take all appropriate steps, both nationally and internationally. The Working Group therefore appealed for the strengthening of international cooperation in this field.

51. The members of the Working Group acknowledged that the fight against child labour called for medium- and long-term as well as short-term measures. While the ultimate goal was to eradicate child labour, that goal was still a long-term one. Therefore, although the Working Group members encouraged all measures aimed at eliminating child labour, they had to take account of the fact that thousands, if not millions of children were still working as a matter of necessity. In the practical experience of many participants, it was not enough to "free" children from work; they had to be offered hope for the future, and their families had to be given the immediate means of survival. The Working Group therefore reiterated that in cases where children had no alternative but to work, such work should be done only under the strictest possible conditions in order to protect the children and promote their rights. The members of the Working Group then discussed the question of the minimum working age, recalling the need to implement ILO Convention No. 138 concerning the minimum age for admission to employment.

52. Some participants welcomed the fact that some countries acknowledged being confronted with the problem of bonded and child labour. It was an attitude that made for dialogue and was encouraging in terms of finding a solution to the problem.

E. Forced labour

53. Some non-governmental organizations raised the matter of civilians detained by Japan during the Second World War, repeating their request to the Japanese Government for an official apology and the payment of compensation to the victims and their families.

F. Migrant workers

54. In examining the situation of migrant workers, the Working Group paid special attention to the question of domestic workers, in particular young girls. On the recommendation of some non-governmental organizations, the Working Group decided to give priority to the consideration of the question of domestic and migrant workers at its next session.

55. Among the non-governmental organizations receiving funding from the Voluntary Trust Fund, those that were operating in India and Nigeria stated that there were millions of domestic workers in those countries, that 90 per cent of them were women and that 50 per cent were under 18 years of age. Those workers had no rights and became the property of their employers, who could use them as they pleased.

56. Some speakers noted that among the forms of labour exploitation identified by the ILO, four were described as the most intolerable forms of child labour, namely, debt bondage, child prostitution, hazardous occupations and domestic work.

57. The members of the Working Group recalled that at the twenty-first session, they had been given disturbing information concerning the status, or lack of status, of migrant workers, in particular of domestic workers in several Western European countries. They recognized that safeguarding the rights of those persons required protecting their rights as workers and, in most cases, protecting their rights as women as well.

58. The ensuing debate left the Working Group even more convinced of the need to give priority attention to migrant and domestic workers.

G. Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography and World Congress against Commercial Sexual Exploitation of Children

59. Because of the great similarity between those two topics, both concerning the exploitation of children and sexual exploitation in particular, speakers often dealt with them together. The Working Group had before it the latest report submitted by the Special Rapporteur (E/CN.4/1997/95) and the Declaration and Agenda for Action adopted by the Stockholm Congress (A/51/385, annex).

60. The members of the Working Group reiterated their strong condemnation of such practices and expressed their concern over the persistence of and even the increase in the exploitation and sexual and other abuse to which children were subjected.

61. At the proposal of a member of the Working Group, the question as to whether or not the topic of paedophilia should be placed on the Group's agenda for its next session was discussed. Following some opposition, which was withdrawn in the light of the explanations given, the members of the Group decided, in view of the scale of the problem of paedophilia and the need to arrive at a better understanding of the motives of such child abusers, to place the subject on their agenda for the next session. They also issued an appeal to anyone having information on the subject to share that information with the Working Group.

62. The non-governmental organizations established in Cambodia, Mongolia and Nigeria, subsidized by the Voluntary Trust Fund, painted a fairly gloomy picture of the situation of child prostitution and the trade of children for the purposes of sexual exploitation. Seven-to-eight-year-old girls were being forced into prostitution and most of them were contracting the AIDS virus. In some countries the laws against child prostitution were not adequate and, even where they were, they were not being applied effectively or strictly. Speakers recalled that girl prostitutes should be considered and treated as victims of prostitution rather than delinquents. The law was often harsher on prostitutes than on procurers. The victims of prostitution should be rehabilitated and, when they so desired, should be repatriated to their country or region of origin. The observer for Nigeria recalled that his country had enacted laws to combat the trade and sexual exploitation of children and had ratified the relevant international instruments.

63. Some speakers said it was important to create machinery for the follow-up of the Stockholm Congress. They thought that as part of its work, the Working Group could encourage and evaluate initiatives to combat the sexual exploitation of children. Some Working Group members expressed regret that the Stockholm Congress had restricted itself to exploitation for commercial purposes, to which it was replied that the Congress had not in practice restricted itself to exploitation for commercial purposes, but had covered a broader range of forms of exploitation.

64. The reports on the subject furnished by non-governmental organizations financed by the Voluntary Trust Fund were welcomed for their good quality and because they provided the Working Group with information on countries about which it generally had very limited data. Such contributions to the Working Group's activities were to be encouraged.

[illegible]. The Working Group once again stated that the sexual exploitation of children, girls and boys, remained a key item on its agenda. Sex tourism, as a factor which aggravated such exploitation, required constant vigilance. Encouragement was to be given to the promulgation of laws making it possible to penalize individuals for offences of that kind committed abroad.

H. Activities of the Special Rapporteur on violence against women, its causes and consequences

66. As each year for the previous five years, the question of the women referred to as comfort women during the Second World War was examined by the Working Group, and a lengthy debate took place between the parties concerned.

67. The creation of an Asian Women's Fund was again discussed. The countries from which victims originated and most of the non-governmental organizations present reiterated their strong opposition to any compensation being financed by that Fund. In their view, the Fund, 50 per cent of which came from private capital, would enable the Government of Japan to evade its legal obligations by refusing to acknowledge its international responsibility and by refusing to compensate victims individually. Moreover, the Government of Japan was said to be still concealing much of the documentation on crimes committed during the Second World War. Attention was again drawn to the conclusions of the report of the Special Rapporteur on violence against women, which had described such acts as "war crimes" and as "military sexual slavery".

68. The observer for Japan and two representatives of the Asian Women's Fund recalled the various initiatives and measures that had been taken to help the so-called comfort women. A brief review was given of the legislative initiatives taken by the Parliament of Japan. It was also recalled that a Centre for Historical Documents on Asia had been created under the Asian Women's Fund. The observer for Japan and the representatives of the Fund said that the Asian Women's Fund had been established as a result of an appeal launched by Japanese civil society and was therefore a means through which all Japanese could express their remorse to all victims, and not at all a way for Japan to evade its responsibilities. The Fund was reported to have paid out money to 27 victims. The observer for the Philippines confirmed that compensation had been paid to victims from her country and expressed her support for the initiative.

69. In adopting the Working Group's recommendations, the countries opposed to Japan's policy on the matter expressed their displeasure and their opposition to the wording used, which described as positive the developments taking place in regard to the question of the so-called comfort women.

70. The members of the Working Group recalled that their recommendations had been arrived at by consensus. They noted that although the situation had not been resolved definitively, it had evolved in a way that pointed towards a solution satisfactory to all the parties concerned. It was urgent for the victims to be compensated expeditiously, as most of them were elderly women living in difficult circumstances. The Working Group stated that it had played its role more than honourably, which had been to provide the concerned parties with a forum for discussion and to encourage the adoption of a rapid and satisfactory solution. The Working Group called on the parties concerned to continue their joint quest for a solution that was acceptable to all.

71. Although some issues remained in suspense, many participants believed that the informal consultations and the discussions held under the auspices of the Working Group had been extremely useful.

72. In regard to the question of violence against women during the Second World War, some participants, with the support of members of the Working Group, emphasized that the discussion should not be restricted to the question of comfort women, but should also include the violence and abuses systematically inflicted on women and girls during armed conflicts. The Working Group should consider measures likely to prevent such abuses.

I. Other matters, including early marriages, incest and detained juveniles

73. In order to allow the non-governmental organizations sufficient time to obtain enough information on such sensitive subjects as early marriage and incest, the members of the Working Group decided to consider those issues only every other year.

74. Information concerning trafficking in children in West Africa was submitted by a non-governmental organization active in Togo. The traffic involved children from Togo destined for Ghana, Côte d'Ivoire, Burkina Faso and other countries in Africa. The organization called for coordination and cooperation among the countries in the region, the non-governmental organizations and other institutions with a view to drawing up a regional plan of action to combat the exploitation and trafficking of children in West Africa.

75. The Working Group received reports on the deteriorating situation in regard to slavery in the Sudan. The non-governmental organizations denounced the Government's policy of violence designed to dismantle the country's society. Forced labour, kidnappings and other abuses were also being committed there. The observer for the Sudan denied those reports, claiming that a campaign was being waged against his Government, orchestrated by the media and certain countries. He recalled that during the twenty-first session the members of the Working Group had been invited to visit the Sudan and that the invitation was still open.

76. The members of the Working Group pointed out that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan had visited that country in response to an invitation. They thanked the Sudanese Government for its invitation to the members of the Working Group and said that they wished to discuss the follow-up to the invitation in private, bearing in mind the terms of reference of the Working Group and the financial implications of such an invitation.

77. A non-governmental organization reported that slavery was continuing in Mauritania. As there was no observer for Mauritania present, the Working Group decided to convey to the Mauritanian Government the content of the communication received from the organization.

78. The members of the Working Group also discussed the elaboration of optional protocols to the Convention on the Rights of the Child by the two working groups set up by the Commission on Human Rights. The Working Group urged the two groups to complete their work as quickly as possible, in the interest of children. As regards the Working Group on a draft optional protocol on involvement of children in armed conflicts, the members of the

Working Group on Contemporary Forms of Slavery said that they were convinced that the minimum age for the participation of children in armed conflicts should be raised to 18.

79. Having regard to the Working Group on a draft protocol concerning the sale of children, child prostitution and child pornography, it was recalled that Governments were still in disagreement on a number of points. Those included the scope of application of the future protocol, more specifically the question as to whether the definition of the sale of children should be limited to sexual exploitation or should include other aspects. While some participants suggested that the Working Group on Contemporary Forms of Slavery could make a positive contribution to the debate by stating its opinions, others believed that such intervention could further complicate negotiations or even exacerbate discussions. The members of the Working Group unanimously acknowledged that it would be wiser to allow the working group established for that purpose to find the appropriate solutions.

VI. RECOMMENDATIONS ADOPTED AT THE TWENTY-SECOND SESSION

A. General considerations

80. The Working Group on Contemporary Forms of Slavery considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the conventions on slavery or any other relevant conventions, is a violation of basic human rights.

81. A review of the information provided to the Working Group showed that despite the progress made in the protection of human rights and the preservation of human dignity all over the world, various forms of slavery still existed and new insidious forms of slavery were emerging. The Working Group considered in particular the questions of child and bonded labour, sexual exploitation, especially of children, the traffic in persons, migrant and domestic workers, sexual violence during wartime and the activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

82. The Working Group welcomed the participation of an increasing number of government representatives and non-governmental organizations in its session, and thanked them for their valuable contributions to its work. It noted with appreciation the contribution of the representative of the International Labour Organization. It welcomed the participation of an expert member of the Committee on the Rights of the Child and encouraged such participation at its future sessions. The Working Group also encouraged such cooperation with other human rights mechanisms with related activities. In order to enrich the debate, the Working Group expressed the hope that representatives of UNESCO and WHO, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women would also attend its future sessions.

83. The Working Group congratulated all participants on the fruitful dialogue, the spirit of cooperation they had demonstrated and the positive atmosphere in which the deliberations had been conducted.

B. Recommendations

84. The following recommendations were adopted by the Working Group at its twenty-second session.

1. General

The Working Group on Contemporary Forms of Slavery,

Having devoted its twenty-second session to an overall evaluation of various contemporary forms of slavery,

1. Expresses its gratitude to all participants for information relating to all forms of exploitation;

2. Considers that poverty and ignorance are the main causes of contemporary forms of slavery, and urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

3. Calls on all United Nations specialized agencies to cooperate with the Working Group and to coordinate their activities in seeking an integrated approach to the various problems in the fields of slavery and the slave trade, including slavery-like practices in all their manifestations;

4. Considers that effective measures should be taken to assist in protecting the rights of those suffering from contemporary forms of slavery by drawing upon the expertise of, and improving coordination and cooperation between, different United Nations bodies, organs and legal instruments dealing, directly or indirectly, with issues relating to contemporary forms of slavery;

5. Welcomes the important role that non-governmental organizations play in raising awareness of the provisions of the conventions on slavery, in particular the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as in monitoring their implementation;

6. Requests the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, as well as the activities of the Working Group on Contemporary Forms of Slavery in this field, and also requests that a similar campaign of awareness be promoted by the Department of Public Information of the Secretariat;

7. Expresses its appreciation to the Secretary-General for the establishment of the list of States which have not yet ratified or acceded to the conventions on slavery and requests him to continue providing the members of the Working Group with such a list;

8. Notes that the status of ratifications of the two main conventions on slavery is still unsatisfactory;

9. Requests the Secretary-General to invite annually States which have not ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 to consider ratification and to establish an informal dialogue with the Working Group on the issue;

10. Calls upon all States to respect the provisions of the above-mentioned conventions and requests the Secretary-General to invite them to submit to the Working Group regular information on the situation in their countries;

11. Recommends that the Sub-Commission on Prevention of Discrimination and Protection of Minorities continue to examine ways and means of monitoring the implementation of the Convention of 1949 and encourage the treaty bodies to pay particular attention to relevant provisions similar to those of the 1949 Convention;

12. Regrets that public opinion preoccupied with slavery and slavery-like practices lacks information on the precise content of the related conventions;

13. Recommends that the United Nations Educational, Scientific and Cultural Organization, in cooperation with the Centre for Human Rights and concerned non-governmental organizations, prepare a simplified presentation of the conventions for local populations;

14. Encourages States to promote the dissemination of information on the conventions;

15. Recommends once again that the General Assembly consider proclaiming 2 December as the day for the abolition of slavery in all its forms, bearing in mind the persistence and seriousness of these phenomena.

2. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Working Group on Contemporary Forms of Slavery,

Recalling the close relationship between the activities of the Working Group and the Trust Fund, and the necessary cooperation between them,

Welcoming the appointment by the Secretary-General of the members of the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

Welcoming also the holding of the third session of the Board of Trustees (17-19 March 1997), which recommended that the Secretary-General invite six representatives of non-governmental organizations to attend the twenty-second session of the Working Group, and that he finance three projects,

1. Expresses its appreciation of the participation of the representatives of non-governmental organizations financed by the Trust Fund and of their valuable contribution to the work of the Working Group;

2. Calls for follow-up of the activities of those non-governmental organizations financed by the Trust Fund;

3. Thanks the Chairman and the members of the Board of Trustees of the Fund who attended the Session for their constructive participation in the work of the Working Group;

4. Expresses its support to the members of the Board of Trustees for their work, in particular their fund-raising activities;

5. Urges all Governments, governmental and non-governmental organizations, private institutions and private individuals to respond favourably to requests for contributions to the Trust Fund in order to enable the Fund to fulfil its mandate effectively;

6. Invites the representative of the Trust Fund to participate at the twenty-third session of the Working Group;

7. Decides to continue to examine the situation and the activities of the Trust Fund at the twenty-third session of the Working Group.

3. Prevention of the traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Convinced that the traffic in persons and prostitution are prejudicial to the dignity and worth of the human person,

Considering the necessity of promoting the implementation of international norms and standards on trafficking in persons and exploitation of the prostitution of others and of strengthening the mechanism of implementation provided for in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Welcoming the outcome of the World Congress Against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996,

Expressing concern at information at the European level on the adverse effect on children of new technologies, such as the Internet, which promote, inter alia, child pornography and sex tourism,

Concerned at the use of adult pornography to entice children to enter into pornography and prostitution,

1. Recalls the adoption by the Commission on Human Rights of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

2. Recommends that the Commission on Human Rights request the Secretary-General to invite all States to inform the Working Group every two years of measures adopted to implement the Programme of Action and of the efficacy of such measures;

3. Recommends that Governments prohibit advertising or publicizing sex tourism and other commercial activities involving sexual exploitation;

4. Encourages Governments, in cooperation with the World Health Organization and the Joint United Nations Programme on HIV/AIDS, to establish specific projects for the protection of victims of traffic in persons and of prostitution from the risk of HIV infection and the spread of AIDS;

5. Urges States, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

6. Recommends that States take urgent measures, including measures of criminal law and of cooperation with other States, designed to protect minors from exposure to or involvement in pornography, and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

7. Invites the Secretary-General, in cooperation with the International Telecommunication Union, to continue to examine the adverse effect on children of new technologies, such as the Internet, that are used to promote, inter alia, child pornography and sex tourism;

8. Recommends that appropriate institutions for the prevention of prostitution be established at the national level in order to assist in the rehabilitation and reintegration of victims of prostitution;

9. Welcomes the positive measures taken by the World Tourism Organization and professionals in the field of tourism to combat sex tourism, and encourages the reinforcement of such activities;

10. Decides to continue consideration of the issues of traffic in persons, prostitution and sex tourism at its twenty-third session.

4. Illegal and pseudo-legal adoptions aimed at the exploitation of children

The Working Group on Contemporary Forms of Slavery,

Considering that adoption, for those cultures which accept it, is a way of guaranteeing the overall development of the child, and that illegal adoption could violate one or all of his/her rights,

Concerned at the practice of illegal adoption or pseudo-legal adoptions aimed at the exploitation of children,

Noting the information received concerning cases of children adopted for commercial purposes or any other form of traffic,

1. Urges States to take adequate steps better to regulate and monitor intercountry adoptions, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993);

2. Decides to continue to give consideration to this issue at its next session.

5. Traffic in human organs and tissues

The Working Group on Contemporary Forms of Slavery,

Concerned at information alleging that children and adults are victims of, or even killed for, the removal of organs for the purposes of commercial transplants and non-therapeutic research,

Taking note of the adoption by the Council of Europe of a convention on human rights and biomedicine and the steps taken to develop a protocol on organ transplants,

1. Takes note of the report submitted by the Secretary-General in accordance with Commission on Human Rights resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission to decide upon possible follow-up in this matter (E/CN.4/1997/78);

2. Welcomes the adoption by the Commission on Human Rights of resolution 1997/20 of 11 April 1997, in which the Commission requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults

for commercial purposes and to include an analysis of this question in an updated report, to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question is required;

3. Encourages the World Health Organization to continue to pay special attention to this issue, welcomes once again the recommendation of the World Health Organization Advisory Committee on Health Research to set up a task force on organ transplantation, and notes the report of its first meeting, held in Annecy, France, on 10 and 11 October 1996;

4. Decides to continue to examine this matter in depth at its twenty-third session.

6. Eradication of bonded labour

The Working Group on Contemporary Forms of Slavery,

Recalling that poverty is one of the causes of bonded labour,

1. Welcomes the information on bonded labour provided by Governments and non-governmental organizations;

2. Takes note with satisfaction of the promulgation by certain States of laws against bonded labour, and appeals to their Governments to adopt all measures ensuring the full implementation of such laws;

3. Requests the specialized agencies, in particular the international financial institutions and the development agencies of the United Nations, to ensure that the projects they support do not, in any way, use bonded labour;

4. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

5. Decides to keep this question under consideration and to assess the progress achieved with a view to eliminating this intolerable practice.

7. Elimination of the exploitation of child labour

The Working Group on Contemporary Forms of Slavery,

Concerned at the persistence of the exploitation of child labour and debt bondage, and aware of the necessity of combating these phenomena,

Having considered the information submitted by States, specialized agencies and non-governmental organizations,

Noting with satisfaction the progress achieved in certain countries by the International Programme on the Elimination of Child Labour launched by the International Labour Organization and the initiatives taken by States in order to combat child bonded labour,

Welcoming the possibility of the drafting, under the auspices of the International Labour Organization, of a new instrument on intolerable forms of child labour,

Welcoming also the holding of the various regional conferences on child labour,

1. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

2. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29) and the Minimum Age Convention, 1973 (No. 138);

3. Calls for international cooperation in order to assist States concerned in their struggle against bonded labour;

4. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour to report to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights at their next sessions;

5. Recommends that the Sub-Commission take appropriate action in this regard at its forty-ninth session.

8. Forced labour

The Working Group on Contemporary Forms of Slavery,

1. Reaffirms once again that forced labour is a contemporary form of slavery;

2. Decides to continue to give consideration to this issue at its next session.

9. Migrant workers

The Working Group on Contemporary Forms of Slavery,

Recalling the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in its resolution 45/158 of 18 December 1990,

Noting that foreign migrant workers are frequently subject to discriminatory rules and regulations which undermine human dignity, including being forced to live separately from their spouses and their minor children, sometimes for extended periods, and that they are often victims of violence, racism and xenophobia,

Noting also, in particular, cases of migrant domestic workers who are unpaid, subject to various abuses and deprived of all their rights,

Welcoming Commission on Human Rights resolution 1997/15 of 3 April 1997, in which the Commission established a working group consisting of five intergovernmental experts on human rights and migrants,

1. Decides to give priority to the consideration of the question of domestic and migrant workers at its next sessions;

2. Also decides to continue to give particular attention to the situation of girl child domestic workers, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

3. Takes note of the difficult situation in which girl children are living and of the need for them to be provided protection with a view to ensuring their fullest human development and participation in the life of their community;

4. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

5. Also urges States to take necessary measures to prohibit and sanction the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers;

6. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;

7. Welcomes the conclusions and recommendations of the United Nations seminar on immigration, racism and racial discrimination held in Geneva from 5 to 9 May 1997, and requests the Secretary-General to disseminate them widely;

8. Recommends that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

9. Recommends that the Sub-Commission on Prevention of Discrimination and Protection of Minorities consider this issue at its forty-ninth session.

10. Sale of children, child prostitution and child pornography

A

Special Rapporteur on the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes

The Working Group on Contemporary Forms of Slavery,

Having considered the report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/95),

1. Takes note of the information on these problems submitted by the participants at its twenty-second session, and requests the High Commissioner/Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

2. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

3. Strongly encourages the Special Rapporteur to participate in the twenty-third session of the Working Group, in view of the importance of her contribution to its deliberations;

4. Encourages all Governments to consider the creation of programmes aimed at the social rehabilitation of children involved in prostitution.

B

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

The Working Group on Contemporary Forms of Slavery,

Having considered the report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/1997/11),

Taking into account Commission on Human Rights resolution 1997/78 of 18 April 1997, in which the Commission, inter alia, decided to request the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to meet for one week prior to the next session of the Commission, in order to finalize the draft,

1. Encourages the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to continue its work in elaborating a draft

optional protocol, and calls upon that working group to outline a framework for international cooperation to bring to an end all practices relating to the sexual exploitation of children, including child sex tourism;

2. Requests the Secretary-General to invite all States to continue to inform the working group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

C

Commercial sexual exploitation of children

The Working Group on Contemporary Forms of Slavery,

Having considered the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996,

Recognizing that the convening of the World Congress was an important step in the struggle against sexual exploitation of children,

Concerned at information concerning child victims of paedophilia,

1. Welcomes the dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

2. Calls upon all States to muster the political will to give priority to this issue and to initiate through national debate and an intersectoral dialogue a process which moves from deploring the issue to the urgent adoption of a national agenda for action that includes the gathering of gender-disaggregated data, indicators of progress, national monitoring mechanisms and sets goals and a time-frame for its implementation;

3. Calls for increased cooperation and for concrete action-oriented measures between States and international organizations;

4. Decides to examine follow-up activities to the World Congress against Commercial Sexual Exploitation of Children and, in particular, the issue of paedophilia at its twenty-third session.

11. Elimination of violence against women

A

Violence against women

The Working Group on Contemporary Forms of Slavery,

Taking note of the reports submitted by the Special Rapporteur on violence against women, its causes and consequences to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/47) and by the Special

Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to the Sub-Commission at its forty-eighth session (E/CN.4/Sub.2/1996/26),

Taking note also of the information received concerning the sexual exploitation of women, as well as other forms of forced labour, during wartime,

Recalling that sexual slavery, rape, exploitation and abuse of women and girls continue to occur in all types of armed conflict,

1. Decides to give more priority to exploring preventive measures for the elimination of violence against women, in particular in situations of armed conflict;

2. Welcomes the work of the Special Rapporteur on violence against women, and takes note of her report;

3. Invites Governments, intergovernmental organizations and non-governmental organizations to disseminate widely the report of the Special Rapporteur and to implement the recommendations contained therein;

4. Decides to pay special attention to the next report of the Special Rapporteur, which will focus on violence against women during armed conflict;

5. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of impunity of perpetrators of violations of human rights, the Special Rapporteur on violence against women and to the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict;

6. Welcomes Sub-Commission resolution 1996/11 of 23 August 1996, in which the Sub-Commission requested the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to submit her final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38), and requests the Secretary-General to transmit the study to the Working Group at its next session;

7. Invites the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to participate in the twenty-third session of the Working Group;

8. Decides to consider these issues at its next session.

B

Sexual slavery during wartime, in particular during the Second World War

The Working Group on Contemporary Forms of Slavery.

Having examined the developments on the issue of sexual exploitation of women during the Second World War,

Welcoming the open dialogue held under the auspices of the Working Group,

1. Takes note of the information provided by the Government of Japan, as well as by other parties concerned, with regard to action taken in relation to the issue of women sex slaves during the Second World War, recognizing the positive steps made so far towards the solution to this issue;

2. Encourages further efforts towards a constructive dialogue;

3. Invites the Government of Japan to continue to cooperate with the United Nations and the specialized agencies in this matter;

4. Decides to continue to consider this issue at its next session.

13. Miscellaneous

The Working Group on Contemporary Forms of Slavery,

Concerned at the practice of incest and sexual abuse of children inside the family, which is a common and most morally repugnant form of slavery,

Aware that the collection of reliable and sufficient information on early marriages, incest and other issues by non-governmental organizations is a time-consuming process,

1. Decides to biennialize the consideration of these items, including the consideration of ways to combat incest and sexual abuse of children inside the family, and the urgent need for adequate help to be offered to victims of such practices;

2. Urges Governments to make confidential facilities available for children to make disclosure of the situation and to obtain advice and assistance;

3. Urges Member States to take adequate steps to punish severely the perpetrators of this most heinous offence;

4. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to their replies being considered at forthcoming sessions of the Working Group;

5. Appeals to all Governments to send observers to the meetings of the Working Group;

6. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

7. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

8. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

9. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

10. Welcomes again the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery;

11. Again requests the Secretary-General to designate the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system on the suppression of contemporary forms of slavery;

12. Recalls that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission, in its resolution 1992/2 of 14 August 1992, that the arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

13. Recommends that the Sub-Commission, in arranging its agenda, make provision for adequate discussion of the reports of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

Annex I

PROVISIONAL AGENDA FOR THE TWENTY-THIRD SESSION OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY

1. Election of officers.

2. Adoption of the agenda.

3. Review of the implementation of and follow-up to the conventions on slavery:

   (a) Status of the conventions;

   (b) Review of information received regarding the implementation of the conventions and programmes of action.

4. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption as a promoting factor of contemporary forms of slavery:

   (a) Economic exploitation:

      (i) Domestic workers and migrant workers;

      (ii) Bonded labour;

      (iii) Child labour;

      (iv) Forced labour;

   (b) Sexual exploitation:

      (i) Suppression of the traffic in persons and the exploitation of the prostitution of others;

      (ii) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography;

      (iii) Follow-up to the World Congress Against Commercial Sexual Exploitation of Children;

      (iv) Paedophilia;

   (c) Other forms of exploitation:

      (i) Illegal activities of certain religious and other sects;

      (ii) Illegal and pseudo-legal adoptions aimed at the exploitation of children;

(iii) Traffic in human organs and tissues;

(iv) Activities of the Special Rapporteur on violence against women;

(v) Miscellaneous.

5. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

6. Adoption of the report of the Working Group to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Annex II

LIST OF DOCUMENTS

1. The following documents were issued for the twenty-second session:

E/CN.4/Sub.2/AC.2/1997/1	Provisional agenda
E/CN.4/Sub.2/AC.2/1997/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.2/1997/2	Note by the Secretary-General on the status of the conventions
E/CN.4/Sub.2/AC.2/1997/3	Note by the Secretary-General on the status of the conventions
E/CN.4/Sub.2/AC.2/1997/4	Note by the secretariat on the recommendations adopted by the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery at its third session
E/CN.4/Sub.2/AC.2/1997/5	Report of the Secretary-General on the review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery
E/CN.4/Sub.2/1997/11	Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted pursuant to Sub-Commission resolution 1996/12

2. The following documents were available for reference:

E/CN.4/Sub.2/1996/24	Report of the Working Group on Contemporary Forms of Slavery on its twenty-first session
E/CN.4/1997/47	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy
E/CN.4/1997/95	Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos

E/CN.4/1997/97	Report of the Working Group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as basic measures needed for their eradication
A/51/385	Letter dated 19 September 1996 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General on the promotion and protection of the rights of children
E/CN.4/Sub.2/1996/26	Preliminary report of the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, Ms. Linda Chavez
E/CN.4/1997/76	Report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery
E/CN.4/1997/78	Note by the Secretary-General on Contemporary Forms of Slavery

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